REMARKS

In the Office Action mailed November 22, 2005, a restriction was made between the following allegedly patentable distinct inventions:

Group I, claims 1-28 and 38-42, drawn to an electrolyte comprising an organic solvent;

Group II, claims 29-37, drawn to an electrolyte comprising an organic solvent;

Group III, claims 43-44, drawn to an electrolyte comprising a mixed solvent;

Group IV, claim 45, drawn to a method for preparing an electrolyte;

Group V, claim 46, drawn to a method of preparing a secondary battery; and

Group VI, claims 47-63, drawn to an electrolyte comprising a mixture of GBL.

In the same Office Action, an election of species requirement was made between the following allegedly patentable distinct species:

A, pick: 1) halogen or 2) CN or 3) NO_2; and

B, pick: 1) electrolyte without additional solvents or additives, or

2) electrolyte further comprising an organic solvent (claims 1-12 and 13-14), or

3) electrolyte further comprising an aromatic hydrocarbon (claims 1-12 and 15-16), or

4) electrolyte further comprising an organic-based compound (claims 1-12 and 17-22), or

5) electrolyte further comprising a compound of formula (4) (claims 1-12 and 23-26) or

6) electrolyte further comprising a swelling-inhibiting additive (claims 1-12 and 27-28).

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

In order to comply with the requirements of 37 CFR §1.142 and §1.146 and MPEP §809.02(a), Applicants provisionally elect, with traverse, to prosecute claims **1-12 and 17-22**

from Group I, in response to the preliminary restriction requirement set forth in the Office Action.

Applicants further provisionally elect the following elements from Species A and B, the halogen (claim 1); the primary, secondary or tertiary alkyl group (claim 17), the C_1 to C_4 alkyl (claim 18); the halogen-substituted alkyl group (claim 19); and the vinyl sulfone (claim 20).

Moreover, the Examiner asserts on page 6 of the Office Action that no claims are considered generic. However, it is respectfully submitted that at least claims 13-16 and 23-28 are generic in that claims 13-16 and 23-27 are drawn to an electrolyte. As such, it is respectfully requested that at least claims 13-16 and 23-27 are generic. As such, it is respectfully requested that should claims 1-12 and 17-22 be allowed, claims 13-16 and 23-27 should be rejoined.

II. Applicants Traverse the Requirement

Insofar as Groups II, III, IV, V and VI are concerned, it is believed that claims 13-16 and 23-63 are so closely related to elected claims 1-12 and 17-22 that they should remain in the same application. The elected claims 1-12 and 17-22 are directed to an electrolyte of a lithium secondary battery and claims 13-16 and 23-63 are drawn to an electrolyte of a lithium secondary battery, a lithium secondary battery and a method of preparing an electrolyte of a lithium secondary battery. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by Groups II-VI claims by filing divisional applications.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

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